

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RAHAMON ROBERTS,
Plaintiff

v.

J. LUTHER, et al.,
Defendants

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No. 1:21-cv-00958

(Judge Kane)

ORDER

AND NOW, on this 10th day of November 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. The Clerk of Court is directed to add C.O. Sheets and C.O. Webb to the docket as Defendants in the above-captioned action; and counsel is directed to enter a notice of appearance on their behalf;
2. The Clerk of Court is directed to amend the docket to reflect the proper spelling of Defendant Frock's name;
3. Defendants' motion to dismiss (Doc. No. 9) is **GRANTED IN PART** and **DENIED IN PART**, as follows:
 - a. The motion is **GRANTED** with respect to: (1) Plaintiff's claims for declaratory relief; and (2) Plaintiff's damages claims against Defendants in their official capacities. Plaintiff may not file an amended complaint with respect to such claims;
 - b. The motion is **DENIED** with respect to all other claims, namely: (1) Plaintiff's claims against Defendants Luther and Goss; and (2) Plaintiff's Eighth Amendment claims regarding the use of OC spray on March 31, 2020, May 10, 2020, June 5, 2020, and June 8, 2020;
4. Defendants are directed to file an answer to Plaintiff's complaint (Doc. No. 1) within fourteen (14) days of the date of this Order;
5. The parties are directed to complete discovery within six (6) months of the date on which Defendants file their answer; and

6. The parties are directed to file dispositive motions within sixty (60) days of the date on which discovery closes.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania